

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

FEB 23 2006

FAXED

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

In re ANDREW CAPON et al.

)

Application No. 10/604,497

) Appeal No. 2006-0605

Filed: July 25, 2003

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ORDER GRANTING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for March 9, 2006. The notice setting the hearing was mailed to Applicants on February 2, 2006. The date Applicants received the notice is not apparent from the record. On February 15, 2006, a facsimile letter was received wherein Applicants requested that the oral hearing be adjourned. The request has been granted.

According to counsel:

Applicant requests an adjournment of the hearing in the above-identified matter set for 1p.m. on March 9, 2006, due to the unavailability of Applicant's attorney on that date. Applicant's attorney believes it would not be practical and acceptable to the client for another practitioner in Applicant's attorney's office to attend the hearing.

The reason for the request is that Applicant's attorney has previously scheduled a family vacation for the week of March 9-16, 2006, and that adjournment is requested in

order to allow Applicant's attorney to take advantage of the vacation plans as scheduled. Further, at the scheduled time of 1:00 p.m. on March 9, 2006, Applicant [counsel?] will be traveling and unable to attend the hearing by telephone.

For the reasons given above, it is

Ordered that the request to reschedule the hearing to a date after March 9, 2006, is granted, and that a new date for the oral hearing will be sent to Applicants in due course.

No further request for postponement will be permitted. Any further request for postponement will be treated as a waiver of the Request for Oral Hearing.

BOARD OF PATENT APPEALS
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FAX DATE : February 23, 2006
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